

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

JOSEPH EADS,

Plaintiff,

Case No. 3:24-cv-279

vs.

MONTGOMERY COUNTY SHERIFF'S
OFFICE OFFICER CENTERS, *et al.*,

Defendants.

District Judge Michael J. Newman
Magistrate Judge Stephanie K. Bowman

ORDER: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (Doc. No. 5); (2) DISMISSING PLAINTIFF'S COMPLAINT AS TO DEFENDANTS MONTGOMERY COUNTY; THE MONTGOMERY COUNTY SHERIFF'S OFFICE; THE MONTGOMERY COUNTY MEDICAL STAFF; OFFICER THOMPSON; CORRECTIONS OFFICER ALLEN GILMORE; DEPUTY CREAGOR; DEPUTY MILLER; SERGEANT CROWE; AND THE UNIDENTIFIED EMPLOYEES OF THE MEDICAL FACILITY; AND (3) PERMITTING PLAINTIFF TO PURSUE HIS CLAIMS AGAINST DEFENDANTS CENTERS AND "JAIL ADMINISTRATOR – SGT. HOUSING/CLASSIFICATION"

The Court has reviewed the Report and Recommendation of Magistrate Judge Stephanie K. Bowman (Doc. No. 5), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for doing so under Fed. R. Civ. P. 72(b) has expired. Upon careful review of the foregoing, the Court determines that the Report and Recommendation should be adopted. Accordingly, the Court: (1) **ADOPTS** the Report and Recommendation of the Magistrate Judge (Doc. No. 5); (2) **DISMISSES** Plaintiff's complaint as to Defendants Montgomery County; the Montgomery County Sheriff's Office; the Montgomery County Medical Staff; Officer Thompson; Corrections Officer Allen Gilmore; Deputy Creagor; Deputy Miller; Sergeant Crowe; and the unidentified employees of the medical facility; and (3) **PERMITS** Plaintiff to pursue his claims against Defendants Centers and "Jail Administrator – Sgt. Housing/Classification."

To clarify, Plaintiff may proceed with his claims that Defendants Centers and "Jail Administrator – Sgt. Housing/Classification" failed to protect him from attacks by other inmates or detainees in violation

of his rights under the Eighth and Fourteenth Amendments to the United States Constitution. *See* Doc. No. 1-1 at PageID 17; Doc. No. 4; Doc. No. 5 at PageID 57-59. The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith, and consequently, **DENIES** Plaintiff leave to appeal this Order *in forma pauperis*.

IT IS SO ORDERED.

August 5, 2025

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge